



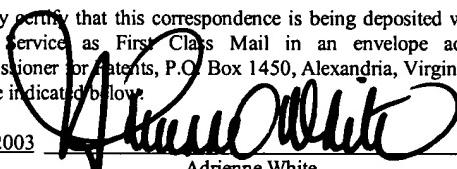
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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/965,426  
Applicant : Gary R. DelDuca *et al.*  
Filed : September 27, 2001  
Title : Modified Atmospheric Packages and Methods for Making the Same  
  
TC/A.U. : 1761  
Examiner : Robert A. Madsen  
  
Docket No. : 47097-01106USC1

### FOURTH INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §§1.97 and 1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313

<b>CERTIFICATE OF MAILING</b> 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313 on the date indicated below:	
10/22/2003	 Adrienne White
Date	

Dear Commissioner:

In compliance with the duty of disclosure under 37 C.F.R. §1.56, it is respectfully requested that this Information Disclosure Statement be entered and the reference(s) listed on attached Form PTO-1449 be considered by the Examiner and made of record.

This application is a continuation of Serial No. 09/915,150, filed on July 25, 2001, entitled "Modified Atmosphere Packages and Methods For Making The Same"

The applicants would like to make the Examiner aware of the following applications that are being pursued by the assignee of the present application:

<u>Application No.</u>	<u>Date Filed</u>	<u>Title</u>	<u>Publication No.</u>
10/190,375	07/03/2002	Modified Atmosphere Packages and Methods For Making The Same	US 2003/0054073
10/424,460	04/25/2003	Modified Atmosphere Packages and Methods For Making The Same	Not Published
10/424,637	04/25/2003	Modified Atmosphere Packages and Methods For Making The Same	Not Published

10/29/2003 TLUU11 00000009 100447 09965426

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CHICAGO 268800v1 47097-01106USC1

In accordance with 37 C.F.R. § 1.98(a)(2)(iii), copies of the above-referenced U.S. Patent Application Serial Nos. 10/424,460 and 10/424,637 are enclosed.

In accordance with 37 C.F.R. § 1.98(d), a copy of the listed reference is enclosed.

In accordance with 37 C.F.R. §§ 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information disclosed is, or is considered to be, prior art with respect to the present application or material to patentability as defined in 37 C.F.R. §§ 1.56.

The present Information Disclosure Statement is being submitted after the mailing of the first Office Action reflecting an examination on the merits but before the mailing of a Final Rejection or Notice of Allowance. Accordingly, in accordance with 37 C.F.R. § 1.97(c), the Commissioner is authorized to charge the amount of \$180 for payment of the fee for filing this Information Disclosure Statement. The Commissioner is also authorized to charge any deficiency or to credit any over payment to Jenkens & Gilchrist Account No. 10-0447/47097-01106USC1.

Respectfully submitted,

  
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Attorneys for Applicants

October 21, 2003  
Date

Form PTO-1449 (modified)	Atty. Docket No. 47097-01106USC1	Serial No. 09/965,426
OCT 24 2003 USCA2 32 List of Patents and Publications for Applicant's <b>4<sup>TH</sup> INFORMATION DISCLOSURE STATEMENT</b>	Applicant Gary R. DelDuca et al.	
	Filing Date: September 27, 2001	Group: 1761

## **U.S. Patent Documents**

## **Foreign Patent Documents**

Exam. Init.	Ref. Des.	Document Number	Date	Country	Class	Sub Class	Translation Yes/No

## **Other Art (Including Author, Title, Date Pertinent Pages, Etc.)**

**EXAMINER:** \_\_\_\_\_ **DATE CONSIDERED:** \_\_\_\_\_

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EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.